

REMARKS

The Final Action of June 16, 2003, Paper No. 12, has been carefully studied. Upon entry of the present amendment, the claims in the application will be **only** claims 49 and 60. Applicants submit that these claims define patentable subject matter warranting their allowance, and therefore applicants respectfully request favorable reconsideration, entry of the present amendment and allowance.

Acknowledgement by the PTO of the receipt of applicants' papers filed under §119 is noted.

Claims 47, 48, 50-56, 58, 59 and 61 have been rejected under §102 as anticipated by Nagasawa. Upon entry of the amendments presented above, none of these claims will be pending in the present application, and therefore applicants need not address this rejection at the present time. For the record, such claims have been deleted without prejudice to applicants' rights to pursue the subject matter of such claims in a continuing application without any penalty whatsoever, applicants relying on their rights provided under the law, including §§120 and 119.

Claims 47-61 have been rejected under §102 as anticipated by Murray. This rejection is respectfully traversed.

Murray discloses a method of forming nanoparticles. According to the method of Murray, a metal precursor solution is first formed from a transition metal, and then the metal precursor solution is introduced to a surfactant solution. A flocculent is added to cause nanoparticles to precipitate out of the solution, and then a hydrocarbon solvent is added for redispersing or reprecipitating the nanoparticles. See column 3, lines 6-12.

Thus, bearing in mind that claim 49, as it is proposed to be amended above, recites a process which consists of

- providing a metal source...
- providing an organic compound...
- mixing the metal source and the organic compound...
- heating the mixture of the metal source and the organic compound,

it is clear that the process of Murray is very different from applicants' claimed process. Importantly, the Murray process does not include only providing a metal source... providing an organic compound... mixing the metal source and the organic compound... heating the mixture of the metal source and the organic compound.

Further, the process of Murray requires at least four materials, i.e. a transition metal, a surfactant solution, a flocculent, and a hydrocarbon solvent, in order to form nanoparticles. However, applicants' process requires only two materials, i.e., a metal source and an organic compound. This is an important difference which not only is not anticipated, but also is not made obvious by Murray.

According to applicants' process, composite metallic ultrafine particles can be produced simply by mixing two materials, i.e., a metal source and an organic compound, and heating the mixture. Thus, applicants' invention provides a simpler process of forming composite metallic ultrafine particles as compared to the process of Murray.

It should be clear that claim 49 is not only novel over Murray, but also is non-obvious¹ from Murray. Withdrawal of the rejection is in order and is respectfully requested.

Claim 60 is proposed to be amended above so as to include all the features of the base claim, similar to claim 49. Accordingly, for the reasons indicated above for the patentability of claim 49, applicants respectfully submit that the rejection of claim 60 should also be withdrawn. Such is

¹ Murray has not been applied under §103, and applicants agree that the present invention would not have been obvious from Murray. Applicants are proceeding in reliance thereof.

respectfully requested.

Additional claims of applicants, but not inclusive of claims 49 and 60, have also been rejected under §102 by Leone (USP 6,369,206; not USP 6,054,507 which is the patent to Funaki; in a telephone phone conference with the examiner, undersigned confirmed that the rejection is indeed intended to be based on Leone, not Funaki).

For the same reasons as indicated above with respect to the rejection based on Nagasawa, this rejection is no longer applicable in view of the amendments presented above, and need not be addressed. The comments made above are respectfully repeated by reference.

Applicants respectfully request favorable reconsideration, entry of the amendments presented above, and allowance.

Respectfully submitted,

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